



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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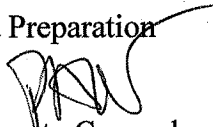
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February 18, 2015

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TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Cheryl Aichele, et al. v. County of Los Angeles, et al.
United States District Court Case No. CV 12-10863

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Cheryl Aichele, et al. v. County of Los Angeles, et al. United States District Court Case No. CV 12-10863, in the amount of \$225,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This class action lawsuit alleges class members were unlawfully arrested by the Los Angeles Police Department during a protest movement, and subjected to lengthy bus detentions by the Sheriff's Department.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Cheryl Aichele, et al. v. County of Los Angeles, et al.
CASE NUMBER	CV 12-10863
COURT	United States District Court
DATE FILED	Complaint filed: December 20, 2012
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 225,000
ATTORNEY FOR PLAINTIFF	Barrett Litt Kaye, McLane, Bednarski & Litt
COUNTY COUNSEL ATTORNEY	Jonathan McCaverty
NATURE OF CASE	<p>Plaintiff Cheryl Aichele, as class representative, alleges that she and other class members were wrongfully arrested by the LAPD during the Occupy LA protest on November 30, 2011, and subjected to lengthy bus detentions on Sheriff's Department buses causing pain and suffering.</p> <p>The County denies the allegations; however, due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigations costs. Therefore, a full and final settlement of the case in the amount of \$225,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$ 125,838
PAID COSTS, TO DATE	\$ 637



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Wednesday, November 30, 2011
Briefly provide a description of the incident/event:	<p><u>Cheryl Aichele, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2014-042</p> <p>On Wednesday, November 30, 2011, members of the Los Angeles Sheriff's Department's Court Services Transportation Bureau were requested by members of the Los Angeles Police Department to transport a large number of protestors from Los Angeles City Hall to various Los Angeles Police Department facilities for booking. A total of six passenger busses were used to transport approximately 246 individuals.¹</p> <p>The first two Sheriff's Department passenger busses were successfully offloaded at the Los Angeles Police Department's Parker Center. The remaining four busses could not be offloaded because Parker Center had reached its capacity. A representative from the Los Angeles Police Department directed the four remaining Sheriff's Department passenger busses to the Los Angeles Police Department's Van Nuys Station jail.</p> <p>At the Van Nuys Station jail, space considerations would permit the offloading of just two of the four passenger busses. After a considerable delay, the remaining two passenger busses were directed to return to the Los Angeles Police Department's Parker Center where the remaining passengers were finally offloaded.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident would appear to be a lack of communication between the Los Angeles Police Department's incident command post, other Department officials, and the Department's Valley Services Detention Center watch commander. This lack of communication caused an unreasonable delay in the booking and/or processing of the individuals affected.

This section intentionally left blank.

¹ The 246 individuals were arrested by officers from the Los Angeles Police Department during the 2011 Occupy LA demonstration outside Los Angeles City Hall. Of the 246, only 126 of the individuals were directly affected by this incident.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was investigated by representatives from the Los Angeles County Sheriff's Department's Court Services Transportation Bureau. Their investigation found a lack of communication between the Los Angeles Police Department's incident command post, other Department officials, and the Department's Valley Services Detention Center watch commander caused an unreasonable delay in the booking and/or processing of the individuals affected.

No misconduct on the part of any Los Angeles County Sheriff's Department employee is suspected. Consequently, no personnel-related administrative action was taken.

While no systemic issues were identified, several corrective measures are being taken to address the issues raised by the plaintiffs in order to preclude a recurrence:

- On or before **January 30, 2015**, the Los Angeles County Sheriff's Department's Risk Management Bureau will initiate a revision to the Los Angeles County Sheriff's Department Manual of Policy and Procedures section 3-01/110.24, *Use of Flex-Cuffs*, to require employees engaged in the transportation of individuals confined in flex-cuffs to have readily available a flex-cuff removal tool;²
- On or before **January 30, 2015**, the Los Angeles County Sheriff's Department's Risk Management Bureau will revise Los Angeles County Sheriff's Department's Field Operations Support Services Newsletter Volume 05, Number 08, *Flex-Cuffs*, to require to require employees engaged in the transportation of individuals confined in flex-cuffs to have readily available a flex-cuff removal tool;³
- Upon closer review, it was determined that no specific policy, procedure, or protocol addressing lengthy detentions aboard a Los Angeles County Sheriff's Department passenger bus exists. Consequently, in order to preclude a recurrence, on or before **March 27, 2015**, personnel from the Los Angeles County Sheriff's Department's Court Services Transportation Bureau will develop and implement a unit order to address lengthy detentions while a passenger aboard a Los Angeles County Sheriff's Department passenger bus; and,

Finally, Los Angeles County Sheriff's Department's Risk Management Bureau will refer this case (i.e., the application and removal of flex-cuffs, etc.) to the Los Angeles Sheriff's Department's Training Bureau for their consideration.

3. Are the corrective actions addressing department-wide system issues?

- ☐ Yes – The corrective actions address department-wide system issues.
- ☒ No – The corrective actions are only applicable to the affected parties.

² Currently, the Los Angeles County Sheriff's Department's Manual of Policy and Procedures section 3-01/110.24, *Use of Flex-Cuffs*, requires "(D)ike-type cutters shall be available at all Station and facilities that utilize flex-cuffs."

³ To be reconciled and consistent with Manual of Policy and Procedures section 3-01/110.24, *Use of Flex-Cuffs*.

County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator)

Patrick Hunter, Acting Captain
Risk Management Bureau

Signature:

Date:

12/23/14

Name: (Department Head)

Earl M. Shields, Chief
Professional Standards Division

Signature:

Date:

12/23/14

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

☐ Yes, the corrective actions potentially have County-wide applicability.

☒ No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date:

1/5/2015